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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,588	02/11/2004	Yuri Itkis	087844.000025	4947

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EXAMINER
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HOEL, MATTHEW D

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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09/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/777,588	Applicant(s) ITKIS ET AL.	
	Examiner Matthew D. Hoel	Art Unit 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 80-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 80 to 82 and 84 to 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi (U.S. patent 5,770,533 A) in view of Zach (U.S. patent 5,954,582 A) and Angell, et al. (U.S. patent 6,702,672 B1).

4. As to Claim 80: '533 discloses all of the limitations of Claim 80, but lacks specificity as to an encryption key or random generation of an encryption key. '533 discloses all of the limitations of Claim 80, but lacks specificity as to. '533 teaches a self-service dispenser for dispensing multiple portable gaming devices (plural gaming devices 1203, 1503, Figs. 12 & 15; accessed by portable gaming devices 1600, 15:18-37) comprising: at least one self-service dispenser configured to accept consideration

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and dispense at least one remote gaming device upon acceptance of the consideration; at least one dispenser being controlled by a central gaming controller (15:38-54, Figs. 2, 3, & 16); both the central gaming controller and the at least one gaming device configured to communicate with each other via two distinct bi-directional communication channels (15:23,24,29-31); the first of the two communication channels being secure and operating while the gaming device is located in, or in a close proximity to the dispenser (15:38-54); and the second of two communication channels being a remote communication channel and operating at least following the dispensing of the gaming device from the dispenser (RF, 15:23-25,29-31; used after release, 15:38-54). '672, however, teaches the gaming controller configured to transmit at least one data encryption key to the at least one gaming device via the first communication channel automatically and without involvement of personnel of a gaming establishment operating the dispenser, and the game controller and the at least one gaming device configured to utilize the at least one data encryption key to encrypt data communicated between the game controller and the at least one gaming device via the second communication channel, the data including at least one wagering request transmitted by the at least one gaming device to the game controller via the second communication channel, the data further including a random game outcome response to the wagering request transmitted by the game controller back to the at least one gaming device via the second communication channel (32, Fig. 2; 122, 124, Fig. 9; 4:33-40). One of ordinary skill in the art at the time the invention was made would have been motivated to apply the encryption of '672 to the wagering system of '533. '672 is a wireless

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wagering system (Abst.), in a similar manner to '533 (15:26-54). This modification would have the effect and advantage of encrypting the two-way radio transmissions to prevent interception and tampering with the gaming activity. This would protect both the casino and the wageror from fraudulent losses. '582, however, teaches at least one data encryption key utilizing a random number generating means (5:65-6:6) and the controller using a random number generating means separately and independently to generate each outcome in response to each wagering request (6:7-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the random generation of the encryption key of '582 to the combination of '533 and '672. The random generation of the encryption key would have the effect and advantage of preventing an interfering party from guessing what the encryption key might be, since it would be randomly generated as opposed to being generated using a known algorithm.

5. As to Claim 81: '533 teaches a reader operable to read a player club card (2:37-54).

6. As to Claim 82: '533 teaches crediting a user's account upon a return of the gaming device to the dispenser (15:38-54).

7. As to Claim 84: '533 teaches the first bidirectional communication channel being a wired interface (15:38-54).

8. As to Claim 85: '533 teaches controlling the dispenser over a local area network (Fig. 2).

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9. As to Claim 86: '533 teaches a latch operable to secure the at least one gaming device in the dispenser, the latch configured to be release responsive to a signal generated by the game controller (16:10-14).

10. Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over '533, '672, and '582 in view of Luciano, et al. (U.S. patent 6,500,067 B1).

11. As to Claim 83: The combination of '533, '672, and '582 discloses all of the limitations of Claim 83, but lacks specificity as to an employee terminal. '067, however, teaches a portable communication device configured to be operated by an employee of a gaming establishment, the portable communication device securely communicating gaming-relevant data with both the game controller and the at least one gaming device wherein the gaming-relevant data includes the at least one data encryption key (PT updates PAS D/B on cashout, CT verifies with PAS D/B upon redemption, 6:18-51; 7:61-8:14, 3:65-4:19, Clm. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the employee terminal of '067 to the combination of '533, '672, and '582. The wireless cashier terminal of '067 is analogous to the wireless wagering devices of '533 and '672 that can be checked out by the player. This modification would have the effect and advantage of allowing casino personnel to be dispatched on the casino floor to verify the player's wagers and winnings and issue the redemption vouchers for the player's winnings without requiring the player to report to a central point of sale in order to cash out his or her winnings upon completion of wagering.

***Response to Arguments***

12. Applicant's arguments with respect to claims 1 to 79 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew D. Hoel  
Patent Examiner  
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Supervisory Patent Examiner  
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/M. D. H./  
Examiner, Art Unit 3714